

REMARKS

Claims 1-32 are pending in this application. By this Amendment, claim 1, 3, 4, 7 and 32 are amended. The amendments introduce no new matter. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action, on page 5, indicates that claims 1-29 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. §112, second paragraph, set forth in the Office Action. The Office Action, in paragraph 1, rejects claims 1-29 and 32 under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1 and 32 are amended to obviate the rejections. Specifically, claim 1 is amended to clarify the "lip" feature. Claim 32 is amended to clarify that there are not separate moving assemblies.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-29 and 32 U.S.C. §112, second paragraph, are respectfully requested. Applicants understand that, based on the indication of allowability of claims 1-29, in paragraph 5 of the Office Action, the amendments to claim 1 render claims 1-29 allowed. Amendments to claims 3, 4 and 7 are made to be consistent with the amendments to claim 1.

The Office Action, in paragraph 3, rejects claim 30 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,823,991 to Skorka. This rejection is respectfully traversed.

Skorka teaches an apparatus with a separate pump piston defining two separate chambers of two pumps (col. 1, lines 55-57). The two pump chambers 22, 23 are shown, for example, in Fig. 3 of Skorka.

Claim 30 recites, among other features, a moving assembly movable relative to the pump body and co-operating therewith to form a unique pump chamber of variable volume, the at least one opening allowing the pump chamber to communicate with an inside of the receptacle and allowing the pump to operate in a head down position. Skorka neither teaches

nor suggests a unique pump chamber, as is positively recited, among other features, in claim 30. Such a unique pump chamber is also not addressed in the rejection of claim 30 over Skorka.

For at least this reason, Skorka cannot reasonably be considered to teach, or even to have suggested, the combination of all of the features positively recited in claim 30. Accordingly, reconsideration and withdrawal of the rejection of claim 30 under 35 U.S.C. §102(b) as being anticipated by Skorka are respectfully requested.

The Office Action, in paragraph 4, rejects claims 31 and 32 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,358,149 to O'Neill. This rejection is respectfully traversed.

O'Neill teaches a pressure build-up pump sprayer to be interconnected with a liquid filled container and having a poppet assembly including inner and outer coaxially aligned pressure chambers (Abstract). With reference to, for example, Fig. 1, the Office Action alleges that the valve guide 36 can reasonably be considered to correspond to the skirt positively recited in claim 31. This assertion is incorrect for the following reasons.

Claim 31 recites, among other features, the moving assembly including a skirt via which substance present in the chamber can be delivered toward a dispensing orifice, the skirt being capable of co-operating with the spike when the pump is at rest in order to isolate the inside of the skirt from the pump chamber. In this regard, claim 31 positively recites that the skirt is part of the moving assembly. Guide 36 disclosed in O'Neill is part of the stationary valve housing 20 and thus of the cap 12 (see, *e.g.*, col. 3, lines 16 and 17, and lines 32 and 33). Thus, the guide 36 cannot reasonably be considered to correspond to the skirt, as positively recited in the pending claim at least because it is not a part of the moving assembly.

Additionally, Fig. 1 represents an at rest condition of the disclosed pump sprayer (col. 2, lines 42 and 43). Interpreting Fig. 1 in this manner discloses that when the device is at rest,

the inside of the guide 36 is not isolated from the outer chamber 55 by the valve stem 48.

Further, substance present in the chamber 55 cannot be delivered toward a dispensing orifice 6 via the guide 36.

For at least these reasons, O'Neill cannot reasonably be considered to teach, or to have suggested, the combination of all of the features positively recited in claim 31.

Claim 32 recites, among other features, the moving assembly comprises a pushbutton and an insert fitted to the pushbutton, and the pushbutton comprising two portions, one of which is stationary relative to the insert and the other of which is movable relative thereto (see Fig. 1 of Applicant's disclosure). O'Neill does not teach, nor can it reasonably be considered to have suggested, such a combination of features. Specifically, again with reference to Fig. 1, the Office Action alleges that poppet 50 can reasonably be considered to correspond to an insert fitted to the pushbutton. Poppet 50, however, is slidable through a valve body 40. As such, poppet 50 is not fitted to the pushbutton in a stationary manner but rather in a slidable manner. As such, poppet 50 cannot reasonably be considered to correspond to the insert fitted to the pushbutton with all of the features positively recited in claim 32.

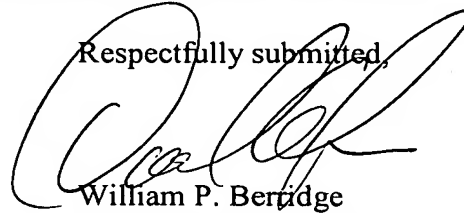
For at least these reasons, O'Neill cannot reasonably be considered to teach, or to have suggested, the combination of all of the features positively recited in claim 32.

Accordingly, reconsideration and withdrawal of the rejection of claims 31 and 32 under 35 U.S.C. §102(b) as being anticipated by O'Neill are respectfully requested.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-32 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



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